

REMARKS

Applicants note that all amendments, cancellations, and additions of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the cancelled claims (or similar claims) in the future.

Applicants hereby confirm the election of Group II in response to the telephone conference with the Examiner on 12/19/04. Applicants reserve the right to prosecute the non-elected claims (or similar claims) in one or more divisional applications.

The Examiner has objected to the disclosure because of an error in numbering in the Figure descriptions (Office Action, pg. 10). The applicants have amended the specification to correct the error. As such, the objection is moot.

In the office action dated 2/6/04, the Examiner made a number of rejections. The rejections are listed below in the order in which they are herein addressed. The Applicants note that the Examiner has indicated that Claim 25 is allowed (Office Action, pg. 14).

- (1) Claims 13-14 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite; and
- (2) Claims 10-14 are rejected under 35 U.S.C. 112, first paragraph, as allegedly lacking enablement.

I. The Claims are not Indefinite

The Examiner has rejected Claims 13-14 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite (Office Action, pg. 11). The applicants respectfully disagree and submit that the claims are definite as written. However, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have cancelled claims 13-14. As such, the rejection is moot.

¹ 65 Fed. Reg. 54603 (Sept., 8, 2000).

II. The Claims are Enabled

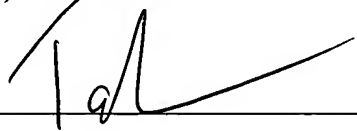
The Examiner has rejected Claims 10-14 under 35 U.S.C. 112, first paragraph, as allegedly lacking enablement (Office Action, pg. 11). The Applicants respectfully disagree and submit that the claims, as written, are enabled. However, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have amended claim 10. The amended claim 10 is directed toward proteins encoded by SEQ ID NOs: 1 and 33. The Applicants submit that the amended Claim 10 is enabled by the specification. For Example, Figures 11 and 12 provide the sequences of SEQ ID NOs: 1 and 33 and the Specification, at page 109, line 21-page 110, line 23 teaches one exemplary activity of NOD2. Claims 13-14 have been cancelled for other reasons (See above). The applicants have added dependent Claims 27-29. Support for the new claims can be found throughout the specification. As such, the applicants respectfully request that the rejection be withdrawn and the Claims be passed to allowance.

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

Dated: _____

5/6/04



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